

referred to-including the examiner's present supervisor-were still employed at the USPTO. The supervisor is still employed at the USPTO. It is not seen what would have been difficult about conferring with individuals who were present. Applicants concerns were not, and have not been addressed. For example, an interview was held in October, 1999, at which time an office action was promised. See paper number 25. The action did not issue until December 27, 1999-2½ months later.

The reason for this delay was not explained, nor have any of the other PTO caused discrepancies.

Point 3 is not understood. Applicants presented amendments in November, 2000, which the examiner indicates were entered. Why is the point still being raised?

With respect to point 4, applicants have addressed this previously, and see no reason to address it again.

With respect to points 5-9, new claim 183 is an amendment version of "allowed" (sic; objected to) claim 176. All other claims depend therefrom, and are presumably allowable.

Applicants have presented the amendment in order to advance prosecution. The amendment should not be taken as indicating agreement with the examiner's position on the patentability of claims 173, 174, 179 or 181. Applicants reserve their right to file additional continuations and divisionals on the canceled subject matter.

The examiner has made US Patent No. 5,843,448 of record, and states that it "is considered relevant to applicants disclosure." Applicants do not agree.

The '448 patent-which is not prior art-claims (i) a 46 kilodalton glycoprotein, and (ii) a 34.3 kilodalton protein. Each of these must present an epitope bound by the mAB of hybridoma cell line ATCC 11540.



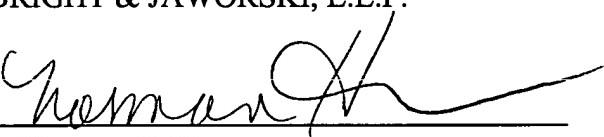
The present case does not claim a glycoprotein. Nor do the claims require the epitope bound by ATCC 11540. Further it is pointed out that the disclosure of this application is also presented in both WIPO 92/20356, and US Patent 5,342,774 to Boon et al, which were cited in the prosecution of the '448 patent. (It is noted that the patent cited on the face of the '448 patent is "5,342,042 8/94 Boon et al.; however, there is no such patent. U.S. Patent No. 5,342,774 is clearly intended. See the "Related U.S. Application Data" on the front page of the '448 patent, the prosecution history of the application leading to the '448 patent, and USPTO records on US Patent No. 5,342,024, and patents to Boon et al issuing in August 1994).

In view of the foregoing, this application is believed to be in condition for allowance. A notice to that end is urged.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.

By

  
Norman D. Hanson  
Reg. No. 30,946

666 Fifth Avenue  
New York, New York 10103  
Direct Line: 212-318-3168  
General Number: 212-318-3000